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REVIEW OF PRIORITY THEMES

Measures to combat the smuggling of illegal migrants

Report of the Secretary-General

Addendum

INTRODUCTION

1. The present addendum to the report of the Secretary-General on measures to combat the smuggling of illegal migrants (E/CN.15/1996/4) contains additional information received from the Governments of Tunisia and the United States of America in respect of legislation and other measures aimed at combating alien-smuggling. The two replies, when added to those referred to in paragraph 40 of the report of the Secretary-General, bring the total number of Governments having provided such information to 55; five organizations have also reported on their activities in this regard.

ADDITIONAL INFORMATION FROM GOVERNMENTS ON LEGISLATION
AND OTHER MEASURES TO COMBAT ALIEN-SMUGGLING

2. The additional information received by the Secretary-General from the Governments of Tunisia and the United States is summarized below.

*E/CN.15/1996/1.

3. Tunisia indicated that it does not have a problem of illegal migrant smuggling. Nevertheless, the Government has enacted a number of regulatory laws. In March 1968, Tunisia adopted a law on the status of migrants in Tunisia, setting out the conditions for entry, residence and exit. The law includes provisions establishing penalties for any person who knowingly, either directly or indirectly, assists or attempts to assist an alien in entering or leaving Tunisia or in travelling or residing illegally in Tunisia.

4. The law obliges migrants, upon entry into Tunisia, to produce a passport or a travel document permitting the bearer to return to the country of its issuance. The taking-up of employment is subject to an employment contract drawn up according to the regulations in force. Alien residence is governed by conditions relating to temporary and normal residence. By law, any alien wishing to remain in Tunisia for more than three consecutive months or for six months with an interruption in the same year is required to obtain a visa and temporary residence card, the validity of which may exceed one year by special authorization of the Minister of Internal Affairs. The police may withdraw such a card if the bearer becomes involved in any activity which presents a "threat to public order", or if the grounds on which the card was issued are no longer valid. By a law of 1968, the normal residence card is issued to those aliens who were in Tunisia and lived in the country without interruption; who had legally resided in Tunisia for more than five years without interruption; who were married to Tunisians; who had Tunisian children; or who had rendered outstanding service to Tunisia.

5. The United States is pursuing a four-part strategy to control illegal immigration, through measures aimed at: regaining control of national borders; protecting United States workers and "removing the job magnet through work-site enforcement"; aggressively removing criminal and other deportable aliens; and securing the resources needed to support enforcement of the strategy against illegal immigration. The national law against the illegal smuggling of individuals into the country is embodied in the Immigration and Nationality Act, of which, the section entitled "Bringing in and harbouring certain aliens", sets out criminal penalties, imprisonment and fines for the crimes of bringing or attempting to bring aliens into the country at other than a port of entry, transporting or harbouring undocumented aliens, and encouraging or inducing an alien to come to the country in violation of its law. This Act also provides for the fining of carriers for knowingly transporting an improperly documented alien, and for the seizure and forfeiture of any conveyance, vessel, vehicle or aircraft used for such purposes. Congressional legislation tabled in 1995 increases penalties for alien-smuggling and expands law enforcement authority, including that allowing for the seizure and forfeiture of real or personal property deriving from or traceable to proceeds obtained directly or indirectly from alien-smuggling or used to facilitate or intended to be used to facilitate alien-smuggling. The recently enacted 1996 Anti-Terrorism and Effective Death Penalty Act expanded the authority to expedite the exclusion and deportation of an alien excludable for document fraud or lack of proper documents. Legislative changes under consideration would greatly strengthen the capacity of the country to repatriate aliens smuggled by vessels when it is determined that the number or circumstances of the aliens *en route* to or arriving in the country show the serious and illegal nature of the migration.

6. The United States has also increased its personnel and other resources required to implement the above-mentioned measures. Since 1993, there has been a 40 per cent increase in the number of Border Patrol agents, and between 700 and 1,000 additional agents are foreseen annually through the year 2000. In 1996, 587 new inspection personnel were engaged to improve legal entry and enforcement at key ports of entry on the south-western and northern borders. To improve work-site enforcement, 63 million United States dollars (\$) were allocated for 384 new agents and support staff to investigate employer violations, specially targeted industries, abusive employers and sweatshops. An additional \$140 million and 1,406 new positions increased the capacity to detain and remove criminal and other deportable aliens from the country. Funding will also be applied to create a modern transportation network and a "computerized detention space management system" to maximize the efficiency of alien removal efforts.